



# Holte School

## Care and Control of Pupils Policy

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| <b>Lead member of staff:</b>                                  | A.Oliver – Deputy Headteacher (Inclusion) |
| <b>Legislation Status: (Statutory/Non-Statutory)</b>          | Statutory                                 |
| <b>Local Authority Model Policy or School Written Policy:</b> | School Written Policy                     |
| <b>Required on school website:</b>                            | Yes                                       |
| <b>Revision Date:</b>   | May 2023                                  |
| <b>Date Ratified By Full Governing Body:</b>                  | June 2023                                 |
| <b>Signed By Chair Of Governors:<br/>Ms C Hardy</b>           | C Hardy                                   |

At Holte School we are committed to creating a safe and inspiring place for all children to learn and develop, where children's rights are respected, their talents are nurtured and they are able to thrive as individuals and as a community. The UN Convention on the Rights of the Child (CRC) is at the heart of our ethos and our curriculum.

The four guiding principles of the UN Convention on the Rights of the child state that:

- All children are entitled to the same rights without discrimination of any kind.
- All actions concerning children will take into account the best interests of the individual child or group of children as the primary consideration.
- All children have the right to survival and development.
- Children have the right to express their views in all matters affecting them.

Holte School is committed to the guiding principles of the Convention and is actively committed to promoting all articles of the convention in all areas of the school and its work. The following articles are protected and promoted through this policy – articles 3, 4, 19 and 28.

## **1. Rationale**

1.1 At Holte School it is an aspect of our mission to have high expectations and excellence in all that we do including student behaviour. We also recognise our responsibility and duty to care for and support one another as adults and students. In general, it is important that adults working in school avoid physical contact with students but it is neither desirable nor possible to have a total 'no contact' policy as there are a variety of situations where this would not be responsible (e.g. providing first aid, demonstrating use of a musical instrument, demonstrating sports techniques).

1.2 One such occasion where contact may be necessary is where there is a need for appropriate physical restraint or the use of reasonable force, both of which are permitted in law (DFE Use of Reasonable Force Non Statutory Guidance 2013) to prevent students from hurting themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder. It is recognised that in practice the use of reasonable force will be a rare event. This policy should be seen in conjunction with the Search and Confiscation Policy.

## **2. Purpose**

2.1 The purpose of this policy is to:

- Explain the rights of staff to use reasonable force when necessary
- ii) Explain the nature of reasonable force
- Set out the circumstances in which reasonable force may be justified
- Explain the reporting and recording procedure
- Set out the complaints process

## **3. Guidelines and procedures**

3.1 The rights of staff

All members of staff have a legal power to use reasonable force within the limitations of this policy and there may be occasions when failure to do so could breach the duty of care towards students. This power applies to any member of staff at the school. It can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

The school will support staff where a member of staff uses reasonable force within the context of this policy. All staff receive annual advice and guidance regarding the content of this policy. In addition there is additional 'Team Teach' training for key individuals within the school, including members of the pastoral team.

### 3.2. What is reasonable force?

- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
- School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

### 3.3 When can reasonable force be used?

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder. The decision on whether or not to use reasonable force is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. There is no need for parental consent prior to using reasonable force. In using reasonable force, reasonable adjustments need to be made for disabled students and students with a statement of special educational need.

It is not possible to provide a comprehensive list of all the situations in which it might be appropriate to use reasonable force and they will in practice be rare but some examples of where reasonable force may be necessary to use are to:

- Remove disruptive students from a classroom where they have refused to follow an instruction to do so
- Prevent a student behaving in a way that seriously disrupts a school event
- Prevent a student leaving a classroom where allowing them to leave would seriously risk their safety or lead to behaviour that disrupts the behaviour of others
- Prevent a student from attacking a member of staff or another student
- Restrain a student at risk of harming themselves through physical outbursts
- Physically separate students found fighting

Wherever possible, assistance should be sought so as to avoid one to one situations. Any other students at risk should be removed from the situation. A team of staff have been trained in TeamTeach techniques and their advice and assistance should always be sought if possible.

It is always unlawful to use force as a punishment and there are certain restraint techniques which present an unacceptable risk when used on young people. It is not therefore acceptable to:

- Use the 'seated double embrace' which would involve two members of staff forcing a person into a sitting position and leaning them forward while a third monitors breathing
- Use the 'double basket hold' which involves holding a student's arm across their chest
- Use the 'nose distraction technique' which involves a sharp upward jab under the nose

The use of reasonable force to search pupils without consent is explained in the school Search and Confiscation Policy.

Except in an emergency, only trained staff should use restraint techniques on identified vulnerable students with behavioural difficulties. There are 11 staff in the school who are trained in Team Teach techniques.

#### **4. Reporting and Recording**

4.1 Any incident involving the use of physical force with students MUST be reported to the Deputy Headteacher - Inclusion as soon as practically possible, Assistant Headteacher, Pastoral or the Deputy Designated Safeguarding Lead. In the absence of these staff the incident must be reported to any member of the senior leadership team.

4.2 Any incident involving the use of physical force must be reported in person and not via email. Any incident involving the use of physical force must also be written up in full and recorded on CPOMS under the 'Restraint' category. The Deputy Headteacher – Inclusion/DSL will decide on how to report the incident to parents/carers.

#### **5. Complaints**

5.1 All complaints about the use of force will be investigated thoroughly, speedily and appropriately by a person appointed by the Headteacher. When a complaint is made the onus

is on the person making the complaint to prove that the allegations are true. Where there is an allegation against a member of staff of using excessive force the school will use the staff disciplinary policy but suspension will not be an automatic consequence of the allegation.

5.2 The school will ensure that appropriate pastoral care is made available to any member of staff who is subject to a formal allegation following a use of force incident. Where the decision is taken to suspend a member of staff, the Governing Body will consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action.

5.3 Where a member of staff has acted within the law – to use reasonable force in order to prevent injury, damage or disorder – this will provide a defence to any potential criminal prosecution or civil action.

## **6. Additional physical contact**

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.